

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

COMMUTER RAIL DIVISION OF THE)
REGIONAL TRANSPORTATION)
AUTHORITY D/B/A/ METRA and THE)
COALITION TO STOP CPKC,)

Petitioners,)

v.)

SURFACE TRANSPORTATION BOARD)
and UNITED STATES OF AMERICA,)

Respondents.)

Case Nos. 23-1165 & 23-1274
(Consolidated)

**METRA’S CORRECTED UNOPPOSED MOTION TO FURTHER
MODIFY THE BRIEFING SCHEDULE**

Petitioner Commuter Rail Division of the Regional Transportation Authority d/b/a/ Metra (“Metra”), pursuant to Fed. R. App. P. 26(b), respectfully requests that the briefing schedule in this case be extended by approximately 49 days, which would result in a modified briefing schedule as described below. Counsel for Metra has consulted with counsel for the other parties and none oppose this request.

There is good cause for this request. As Metra advised the Court in its Motion to Modify the Briefing Schedule filed on May 21, 2024, Metra and Intervenor Canadian Pacific Kansas City Limited (“CPKC”) have been negotiating a potential

agreement to resolve Metra's claims in this proceeding. Those negotiations have resulted in a draft written agreement, under which Metra would dismiss its Petition for Review in this matter ("Dismissal Agreement"). Upon execution of the Dismissal Agreement, Metra will seek dismissal of its Petition for Review, which should take place no later than August 1, 2024.

Accordingly, Metra, with the concurrence of all parties, seeks a further modification of the briefing schedule to allow time for the Metra Board to consider the settlement and for Respondents to finalize their brief based on whether Metra remains a party or not. Specifically, Metra and other parties propose the following briefing schedule:

1. Respondents' Brief is due on August 30, 2024.
2. Intervenor's Brief is due on September 16, 2024.
3. Petitioners' Reply Brief(s) are due on October 23, 2024.
4. Deferred Appendix is due on November 6, 2024.
5. Final Briefs are due on November 20, 2024.

Metra, without opposition, respectfully requests that the Court extend the briefing schedule in this matter as identified above.

/s/ W. Eric Pilsk

W. Eric Pilsk

Charles A. Spitulnik

Christian L. Alexander

Kaplan Kirsch & Rockwell LLP

1634 I (Eye) Street, Suite 300

Washington, DC 20006

(202) 955-5600

(202) 955-5616 - Facsimile

epilsk@kaplankirsch.com

cspitulnik@kaplankirsch.com

calexander@kaplankirsch.com

*Counsel for Commuter Rail Division of the
Regional Transportation Authority d/b/a/
Metra*

Date: July 3, 2024

**CERTIFICATE OF COMPLIANCE WITH LENGTH LIMITATION AND
TYPEFACE AND TYPE-STYLE REQUIREMENTS**

This document complies with the word limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 273 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word and Times New Roman font, size 14.

/s/ W. Eric Pilsk
W. Eric Pilsk

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2024, I caused a true and correct copy of the foregoing Corrected Unopposed Motion to Further Modify the Briefing Schedule to be served by ECF on all parties who have appeared in this case.

/s/ W. Eric Pilsk
W. Eric Pilsk